

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WILLIAM HIGGINS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-05-936-F
)	
OFFICE DEPOT, INC.,)	
)	
Defendant.)	

ORDER

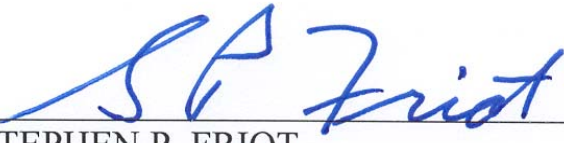
Before the court is defendant's motion in limine, filed on January 26, 2007 (doc. no. 69).

Although the court does not have discretion to decline to rule on properly raised evidentiary issues, the court does have considerable discretion with respect to whether evidentiary issues will be considered on an *in limine* basis. Defendant's motion amounts, essentially, to a laundry list of the sixteen things that counsel would least like to contend with at trial. At the end of each of these is a series of blanks for the court to check to indicate whether, as to that proposition, the motion is granted, denied or "modified." Many or most, or perhaps even all, of the items on the laundry list may have merit. However, some of the sixteen items (for instance, the request that the court rule, *in limine*, that it will not receive testimony not based on personal knowledge) are both mundane and unworkably generic, in the sense that they are not articulated in terms of the facts of this case and amount to nothing more than a request that the court follow the rules of evidence. Perhaps as a by-product of defendant's overall approach to its motion in limine, almost none of the sixteen items are

supported with anything more than cursory briefing. This approach amounts to an imposition on the court's resources.

The motion is accordingly **STRICKEN**. Defendant is granted leave to file, not later than February 1, 2007, a new motion consonant with the court's expectations as may be ascertained from the discussion set forth above, presenting (with appropriate and well-developed factual and legal support) a few carefully chosen points for the court's *in limine* consideration. All motions in limine in this case will be argued and ruled upon after completion of jury selection.

DATED January 29, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

05-0936p018(pub).wpd